

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TERENCE TAYLOR)	
(#A611770),)	CASE NO. 3:16CV0847
)	
Petitioner,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
DAVE MARQUIS, ¹ Warden,)	
)	<u>MEMORANDUM OF OPINION</u>
Respondent.)	<u>AND ORDER</u>

Pro Se Petitioner Terence Taylor filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 1](#)) alleging four (4) grounds for relief which challenge the constitutional sufficiency of his convictions and sentence in Lucas County, Ohio Court of Common Pleas Case No. [G-4801-CR-0201003247-000](#). Petitioner was sentenced to serve an indefinite term of 15 years to life in prison on the murder conviction and an additional mandatory consecutive three-year term of imprisonment on the accompanying firearm specification. The case was referred to Magistrate Judge Kenneth S. McHargh for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On October 3, 2016, the case was reassigned from Magistrate Judge McHargh to Magistrate Judge David A. Ruiz pursuant to [General Order 2016-22](#). On December 21, 2017, the magistrate judge issued a Report and Recommendation ([ECF No. 15](#)). In his Report, the magistrate judge recommends

¹ According to the Ohio Department of Rehabilitation and Correction website (<https://appgateway.drc.ohio.gov/OffenderSearch> (last visited January 16, 2018)), Petitioner is now confined at the Richland Correctional Institution. The Warden of that institution, Dave Marquis, is ordered substituted for James Haviland, Warden.

(3:16CV0847)

that the Court deny the habeas petition because: (1) Grounds Two and Three are procedurally defaulted for lack of fair presentation, [ECF No. 15 at PageID #: 1525](#); (2) Ground One is procedurally defaulted, fails on the merits, and/or to the extent Petitioner seeks to assert a free-standing actual innocence claim, it should be dismissed as not cognizable, [ECF No. 15 at PageID #: 1526, 1534,1535](#); and, Ground Four fails on the merits, [ECF No. 15 at PageID #: 1538](#).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Report were, therefore, due on January 8, 2018.² But, neither party has timely filed any such objections. Therefore, the Court must assume that the parties are satisfied with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. Terence Taylor's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

² Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Petitioner was served a copy of the Report by mail. See [Thompson v. Chandler](#), 36 F. App'x. 783, 784 (6th Cir. 2002).

(3:16CV0847)

The Clerk is directed to issue a copy of this Memorandum of Opinion and Order by regular mail to Terence Taylor, #A611770, Richland Correctional Institution, PO Box 8107, Mansfield, Ohio 44905.

IT IS SO ORDERED.

January 16, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge